

## GILA COUNTY, ARIZONA

### BOARD OF SUPERVISORS POLICY

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#### **I. Purpose**

The purpose of this policy is to ensure compliance with A.R.S. § 38-501 and 38-511. It is designed to preserve and promote the integrity of the workplace through individual departmental procedures. This policy applies to all public officers and employees of Gila County.

#### **II. Conflicts of Interest**

##### **A. General Requirements and Objective**

Arizona law requires that any Gila County officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Gila County to make the interest known in the County's official records; and to refrain from any participation in an official capacity in the contract, sale, purchase, service or decision. (A.R.S. § 38-501 *et seq.*). Employee includes all persons employed on a full-time, part-time and contract basis.

The object of conflict of interest statutes is to remove or limit the possibility of personal influence which might bear upon an official's decision.

##### **B. Relative**

Relative includes spouse, child, child's child, parents, grandparents, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse. A substantial interest of a relative is considered a substantial interest of the employee.

##### **C. Substantial Interest**

A substantial interest is any interest that confers a pecuniary (monetary) or proprietary (ownership) interest, either direct or indirect, which is not a remote interest. Any substantial interest of an employee or an employee's relative must be disclosed by the employee, who must also refrain from participating in any manner in the relevant contract, purchase, or decision.

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#### **D. Remote Interest Defined**

Remote interests do not need to be disclosed and do not prevent participation in an official capacity because they are not considered significant enough to influence a public decision maker. Remote interests are:

1. employee or employee's relative is a non-salaried officer of a non-profit corporation
2. employee or employee's relative is a landlord or tenant of a contracting party
3. employee or employee's relative is an attorney of a contracting party
4. employee or employee's relative is a member of a non-profit cooperative marketing association
5. employee or employee's relative owns less than 3 percent of the shares for a for-profit corporation, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of the total family income of the official or employee, and other payments from the corporation to the person do not exceed an additional 5 percent of his/her total family income
6. employee or employee's relative is reimbursed for actual and necessary expenses incurred in the performance of official business
7. employee or employee's relative is a recipient of public services generally available to the public
8. employee or employee's relative is a public officer or employee of another public agency unless the action of that agency would confer a direct economic benefit or detriment upon the employee or employee's family
9. employee or employee's relative is a member of a trade, business, occupation or professional association or class of persons consisting of at least 10 members whose interest is no greater than the interest of any other members of that or similar groups

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#### **E. Responsibilities of Employees**

Any employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Gila County shall promptly do two things:

1. make known that interest in the files maintained by the Chief Deputy Clerk of the Board of Supervisors; and
2. refrain from voting or participating in the employee's official capacity in any manner in the contract, sale, purchase, service or decision.

#### **F. Appearance of Impropriety and the Gila County Standards of Conduct Policy**

It is important to recognize that the appearance of a conflict of interest may also damage public trust and confidence in local government and may impair Gila County's ability to conduct its legitimate operations. For this reason, employees are required to scrutinize their actions to avoid situations where their official acts appear to affect their own or their relatives' private or business interests. All County employees must adhere to Gila County's Merit System Rules and Policies – Rule 6 – Standards of Conduct.

### **III. Elected Official or Departmental Responsibility**

Each elected official and division/department director shall develop and implement a departmental procedure requiring employees to give notice of potential conflicts of interest. The departmental procedure shall delineate the means of giving notice and department-specific criteria or requirements. The attached Notice of a Substantial Interest in a Gila County Contract, Sale, Purchase, Service, or Decision form shall be used. (See Attachment A)

Note: Each year during the first regularly scheduled meeting of the Board of Supervisors, the Chief Deputy Clerk of the Board of Supervisors will remind each elected official and division/department director to communicate this policy to their employees.

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#### **IV.    Violations**

Violations of A.R.S. §38-501 *et. seq.*, this policy or departmental procedures shall be handled in accordance with the Gila County Merit System Rules and Policies. Employees who violate A.R.S. §38-501 *et. seq.*, may also be subject to criminal prosecution and forfeiture of employment, as provided by law.

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Adopted by the Gila County Board of Supervisors on the 13<sup>th</sup> day of December 2005.



## NOTICE OF A SUBSTANTIAL INTEREST IN A GILA COUNTY CONTRACT, SALE, PURCHASE, SERVICE, OR DECISION

Date \_\_\_\_\_

Department \_\_\_\_\_

Employee/Officer \_\_\_\_\_

Title \_\_\_\_\_

Pursuant to ARS § 38-503, \_\_\_\_\_, hereinafter Employee/officer hereby makes known a substantial interest in a contract, sale, purchase, service or decision of Gila County. The substantial interest is described below.

(Attach additional documentation if necessary.)

☐ Employee/officer has pecuniary or propriety interest in a County contract, sale, purchase, service or decision as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Employee/officer's relative, \_\_\_\_\_, who is the employee/officer's

_____ child	_____ grandparent
_____ child's spouse	_____ spouse of grandparent
_____ grandchild	_____ spouse
_____ spouse of grandchild	_____ brother-in-law or sister-in-law
_____ parent	_____ mother-in-law or father-in-law
_____ spouse of parent	_____ brother or sister or half-brother or half-sister
_____ child of a spouse	

has a pecuniary or propriety interest in a County contract, sale, purchase, service or decision as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Received by:

\_\_\_\_\_  
Employee/Officer

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Attachment A Instructions



### INSTRUCTIONS FOR NOTICE OF A SUBSTANTIAL INTEREST IN A GILA COUNTY CONTRACT, SALE, PURCHASE, SERVICE, OR DECISION FORM

Employees interested in filing a notice of substantial interest in a contract, sale, purchase, service or decision of Gila County should be asked the following three questions:

- (1) Will the decision have an impact, either positive or negative, on an interest of the County employee or relative?
- (2) Is the interest pecuniary (monetary) or proprietary (ownership)? Philosophical or political interest or beliefs, even though affected by a decision do not bring the conflict of interest into play.
- (3) Is the interest **other than one** statutorily defined as a remote interest?

Statutory remote interests are:

- ▶ Non-salaried officer of a non-profit corporation
- ▶ Landlord or tenant of a contracting party
- ▶ Attorney of a contracting party
- ▶ Member of a non-profit cooperative marketing association
- ▶ Insignificant stock ownership
- ▶ Reimbursement of expenses incurred on duty
- ▶ Recipient of public services available to all
- ▶ Employee or relative of another public agency unless there is a direct benefit on the employee or relative
- ▶ Class interest where there are more than 10 members of the class and all members have equal interest

Refer to Clerk of the Board Policy – DISCLOSURE OF CONFLICTS OF INTEREST for a more complete description of these remote interests.

**If the answer to all three questions is yes then the employee must complete the Notice of a Substantial Interest Form.**

The form is to be filed in the Chief Deputy Clerk of the Board of Supervisors' conflict of interest file and maintained as a public record.

Dated: December 13, 2005